

**Iowa Department of Human Services
SECOND NOTICE OF DECISION TO REVIEW AND ADJUST
A CHILD SUPPORT OBLIGATION (252H)
COVER LETTER**

Date: _____

To:

Case Number: _____

Court Order #: _____

County: _____

Obligee: _____

Obligor: _____

☐ ThirdPty: _____

This second notice is to tell you that the ☐ Foster Care Recovery Unit ☐ Child Support Recovery Unit (the Unit) received a challenge to the ☐ Revised Notice of Decision ☐ Notice of Decision. The attached notice and documentation explain the results of the challenge.

If you have any questions about this letter or the enclosed notice, please contact the Unit listed below.

Telephone: _____

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Telephone: _____

Second Notice of Decision to Review and Adjust a Child Support Obligation

☐ Foster Care Recovery Unit
☐ Child Support Recovery Unit
Iowa Department of Human Services

Responsible Parent/Obligor: _____

Docket No. _____

Parent/Caretaker: _____

CSC No. _____

☐ Third Party: _____

Dependents: _____

Date Prepared: _____

The ☐ Foster Care Recovery Unit ☐ Child Support Recover Unit (the Unit) received a challenge to the ☐ Revised Notice of Decision ☐ Notice of Decision dated _____. The challenge was made by

☐ one of the persons subject to the order.

☐ the child support recovery agency for the state of _____. This agency is also enforcing the support order.

Based on the challenge, the Unit conducted a second review¹ to determine if the earlier ☐ Revised Notice of Decision ☐ Notice of Decision was correct.² The results of the second review are indicated below.

☐ The challenged Notice of Decision IS CORRECT. The second review resulted in the same findings by the Unit.

☐ The challenged Notice of Decision IS AMENDED for the following reasons:

(See Footnotes^{3,4,5,6})

☐ The challenge was withdrawn and the challenged Notice of Decision to Review and Adjust a Support Obligation remains in effect.

☐ Enclosed are copies of the following documents which support the determination made in this notice:

☐ Applicable sections of the child support guidelines.

☐ A computation prepared by the Unit which shows how the new amount of support due under the child support guidelines was calculated and how this amount compares with the amount of support currently due under the support order(s) being reviewed.

☐ Order in Proceeding to Register Foreign Order(s) of Support.

☐ _____

Right to Challenge: You May Request a Court Hearing You also have the right to ask for a court hearing if you disagree with the Second Notice of Decision.

If you ask for a court hearing, a written request must be received within 10 days of the date of this notice or within 30 days of the ☐ Revised Notice of Decision ☐ First Notice of Decision, whichever is later.

- List the reasons you disagree with the Unit's decision.
- Provide any evidence or documentation that supports your position.

If a court hearing is requested by a necessary party⁷ within the time frame, the Unit will request a hearing and send documentation to the court. The court will set the hearing date and notify all parties by mail of the time and place of the hearing.

If this notice says that an adjustment is appropriate and none of the parties asks for a court hearing, the Unit will prepare an administrative order to adjust this support order

If you have questions about this notice or the review and adjustment process, please contact the office listed in this notice or contact an attorney of your choice. ^{8,9}

Telephone: _____

Copy to:

☐

¹ Only one Second Review is allowed, regardless of which party makes the request.

² **An adjustment is appropriate if the review shows one or both of the following:**

1. The current support amount varies by more than 20% from the new amount calculated using the mandatory child support guidelines. This difference must be due to financial conditions that have lasted for at least 3 months and are expected to last for an additional 3 months.
2. The children are not adequately covered under a health benefit program (other than Medicaid). The parent ordered to pay support has a dependent health insurance benefit plan available at a reasonable cost, or may have a plan available at a later date. The parent ordered to pay support will be ordered to provide coverage pursuant to Iowa Code section 252E. The child support amount may be adjusted accordingly.

³ The obligor's state of residence at the time the Unit issued the Notice of Intent was _____. The Unit has personal jurisdiction over the obligor because the obligor ☐ resides in Iowa. ☐ requested this review and waives any contest to personal jurisdiction. ☐ is a party to the Iowa order(s) that has been reviewed.

The obligee's state of residence at the time the Unit issued the Notice of Intent was _____. The Unit has personal jurisdiction over the obligee because the obligee ☐ resides in Iowa. ☐ requested this review and waives any contest to personal jurisdiction. ☐ is a party to the Iowa order(s) that has been reviewed.

The necessary third party's state of residence at the time the Unit issued the Notice of Intent was _____.

The Unit has personal jurisdiction over the necessary third party because the necessary third party ☐ resides in Iowa. ☐ requested this review and waives any contest to personal jurisdiction. ☐ is a party to the Iowa order(s) that has been reviewed. The necessary third party may have an interest in the amount of support.

⁴ ☐ The children affected by the ongoing support order(s) are:

Affected Child's Name	Date of Birth	State of Residence ^①	Period of Residence	Child's Home State ^②	Child Currently Residing with:
_____	_____	—	through _____	—	_____
_____	_____	—	through _____	—	_____
_____	_____	—	through _____	—	_____
_____	_____	—	through _____	—	_____
_____	_____	—	through _____	—	_____

^①The child's state of residence at the time the Unit issued the Notice of Intent to Review. ^②The home state of the child is the state where the child lived for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support. If the child is less than six months old, the state in which the child has lived since birth is the child's home state.

☐ The child affected by the ongoing support order is:

Affected Child's Name	Date of Birth	State of Residence ^①	Period of Residence	Child's Home State ^②	Child Currently Residing with:
_____	_____	_____	_____ through _____	_____	_____

^①The child's state of residence at the time the Unit issued the Notice of Intent to Review. ^②The home state of the child is the state where the child lived for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support. If the child is less than six months old, the state in which the child has lived since birth is the child's home state.

☐ The child affected by the ongoing support order is:

Affected Child's Name	Date of Birth	Child Currently Residing with:
_____	_____	_____

☐ The children affected by the ongoing support order(s) are:

Affected Child's Name	Date of Birth	Child Currently Residing with:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

☐ The Unit considered the following ongoing support order^③:

Issuing State	Issuing County	Docket Number	Effective Date	Support Amount
_____	_____	_____	_____	\$_____ per _____

^③The parties have not disclosed, and the Unit is not aware of, any other ongoing support orders which affect the obligor and the child(ren) named above.

☐ The Unit considered the following ongoing support orders to identify which order(s) is/are controlling^④:

Issuing State	Issuing County	Docket Number	Effective Date	Support Amount
_____	_____	_____	_____	\$_____ per _____
_____	_____	_____	_____	\$_____ per _____
_____	_____	_____	_____	\$_____ per _____
_____	_____	_____	_____	\$_____ per _____
_____	_____	_____	_____	\$_____ per _____

^④The parties have not disclosed, and the Unit is not aware of, any other ongoing support orders which affect the obligor and the child(ren) named above.

⁵ See section 598.21(9). Entry of an adjusted ongoing support order in Iowa will not violate 28 USC 1738B.

⁶ ☐ According to the standards of section 252K.207, the controlling ongoing support order is the _____ order entered in _____ County, Docket Number _____. This order is controlling

☐ because it is the only known ongoing support order in existence.

☐ because it was issued by the only tribunal that has continuing, exclusive jurisdiction.

☐ although more than one tribunal has continuing, exclusive jurisdiction, it was issued by a tribunal that has continuing, exclusive jurisdiction and is the home state of the child(ren).

☐ because it was the most recent ongoing support order issued by a tribunal with continuing, exclusive jurisdiction, and _____, the current home state of the child(ren) has not issued a support order.

☐ because it was the most recent ongoing support order issued by a tribunal with continuing, exclusive jurisdiction, and neither _____, the home state of the child(ren) _____, nor _____, the home state of the child(ren) _____, has issued support orders.

☐ According to the standards of section 252K.207, the controlling ongoing support order is the Iowa order entered in _____ County, Docket Number _____, and the Iowa order entered in _____ County, Docket Number _____ ☐, and the Iowa order entered in _____ County, Docket Number _____.

According to Iowa Code section 252B.6, no Iowa order supersedes any previous Iowa order. All Iowa orders run concurrently and were reviewed together.

☐ These orders are controlling because they were issued by the only tribunal that has continuing, exclusive jurisdiction.

☐ These orders are controlling because they were issued by the only tribunal that has issued orders.

☐ According to the standards of section 252K.207, the controlling ongoing support order for _____ is the _____ order entered in _____ County, Docket Number _____, and the controlling order for _____ is the _____ order entered in _____ County, Docket Number _____. These orders are controlling because, although more than one tribunal has continuing, exclusive jurisdiction, these orders were issued in the children's respective home states by tribunals with continuing, exclusive jurisdiction.

☐ However, the Unit is not able to enter an adjustment order and assert continuing, exclusive jurisdiction over the order. Therefore, the Unit will terminate the review and adjustment process and refer the case to another state which may be able to assume jurisdiction and, if appropriate, adjust the order.

☐ No support order is controlling. Although two or more tribunals have issued child support orders for the same obligor and child(ren), none of the tribunals has continuing, exclusive jurisdiction to adjust a support order. In these circumstances, Iowa Code chapter 252K and 28 USC section 1738B require a new support order be issued by a tribunal having jurisdiction over the parties. Therefore, the Unit must terminate the review and adjustment process. However, Iowa is not able to assert jurisdiction over the parties to enter a new, ongoing support order. At the request of any necessary party, the Unit will make a referral to a state that may have jurisdiction over the parties.

☐ No support order is controlling. Although two or more tribunals have issued child support orders for the same obligor and child(ren), none of the tribunals has continuing, exclusive jurisdiction to adjust a support order. In these circumstances, Iowa Code chapter 252K and 28 USC section 1738B require a new support order be issued by a tribunal having jurisdiction over the parties. Therefore, the Unit must terminate the review and adjustment process. The Unit will then begin an establishment action in Iowa to set a new support obligation.

⁷ Someone who has a legal interest in the case.

⁸ If you choose to have an attorney; it is at your own expense

⁹ These procedures are provided for in Iowa Code Chapter 252H.